

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:06-CR-165
	)	(Phillips / Shirley)
JUAN FERNANDA BICKERSTAFF,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. On September 13, 2007, this matter came before the Court for a competency hearing as the Defendant Juan Bickerstaff. This Court originally ordered the defendant to be evaluated on January 19, 2007, [Doc. 10]. After the evaluation was completed, on April 4, 2007, the Court found Mr. Bickerstaff incompetent to stand trial [Doc. 14]. Pursuant to that finding, the Court ordered that Mr. Bickerstaff receive further mental evaluation and treatment in an effort to restore him to competence [Doc. 14], and directed that the United States Marshal to transport the defendant to a federal medical facility as designated by the Bureau of Prisons. Mr. Bickerstaff was delivered to the Bureau of Prison's Federal Medical Center at Butner, North Carolina ("FMC Butner") for evaluation. The Court received a 17 page Forensic Psychological Report from FMC Butner Warden A. F. Beeler, as prepared by forensic psychologist Dr. Maureen L. Reardon. The report concluded that Mr. Bickerstaff is presently competent to stand trial.

A competency hearing was held on September 13, 2007. Defendant Bickerstaff and Dr. Reardon appeared and participated in the competency hearing by video-conference from FMC Butner. Present with the Court were the following: Attorney Paula Voss on behalf of Mr. Bickerstaff; Assistant United States Attorney Tracy Stone representing the United States and a representative of the United States Marshal Service.

At the hearing, Attorney Voss and AUSA Stone stipulated to the contents and conclusions of the report issued by FMC Butner. Mr. Bickerstaff stated that he agrees that he is now competent to stand trial. The parties agreed that the Court should enter an Order finding the defendant competent to stand trial and adopting the conclusions of the forensic report, to be filed under seal; by this Order, the Court does such.

Dr. Reardon testified at the hearing that Mr. Bickerstaff has been restored to competency through the administration of a combination of medications according to a specific regimen. Dr. Reardon testified that if Mr. Bickerstaff's established regimen of medication is disrupted, she would not be able to maintain her conclusion that he is competent to stand trial. This regimen includes a medication to be administered every two weeks by injection. Dr. Reardon testified that Mr. Bickerstaff is next scheduled to receive this treatment on September 21, 2007, without which neither she nor treating psychiatrist Dr. Ralph Newman could ensure that Mr. Bickerstaff can maintain competency during the period of his transport from FMC Butner to this Court for further proceedings. Based upon this testimony, the Court concludes that in order to return defendant Bickerstaff to the eastern District of Tennessee in a competent state, it is necessary that he not be subject to transportation before September 24, 2007. After September 24, 2007, the United States Marshal shall return Mr. Bickerstaff to this jurisdiction for further proceedings.

Accordingly, it is ORDERED:

(1) Defendant is **FOUND** competent to stand trial;

(2) As soon as is practicable **after September 24, 2007**, the United States Marshal Service shall transport defendant from FMC Butner to the Eastern District of Tennessee. This transport shall be conducted in the manner most likely to preserve defendant's mental competency and medication regimen;

(3) Defendant shall remain at FMC Butner until such time as medically appropriate transportation is arranged;

(4) Upon Mr. Bickerstaff's return to this jurisdiction, the Court will set a date for his appearance for arraignment and further proceedings.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge